

MCCOMISH FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2828

(Reference to printed bill)

- 1      Page 1, strike lines 2 through 45
- 2      Page 2, strike lines 1 through 27
- 3      Renumber to conform
- 4      Page 4, line 12, after "THE" insert "**INITIAL**"
- 5      Page 5, line 2, after the period strike remainder of line
- 6      Strike lines 3 and 4, insert "**ANY CLAIM FOR TEMPORARY PARTIAL DISABILITY BENEFITS UNDER THIS SUBSECTION MUST BE FILED WITH THE COMMISSION WITHIN TWO YEARS AFTER THE DATE THE CLAIMED ENTITLEMENT TO COMPENSATION ACCRUED OR WITHIN TWO YEARS AFTER THE DATE ON WHICH AN AWARD FOR BENEFITS ENCOMPASSING THE ENTITLEMENT PERIOD BECOMES FINAL. A CLAIM FOR TEMPORARY PARTIAL DISABILITY COMPENSATION SHALL BE DEEMED TO ACCRUE WHEN THE EMPLOYEE KNEW OR WITH THE EXERCISE OF REASONABLE DILIGENCE SHOULD HAVE KNOWN THAT THE CARRIER, SELF-INSURED EMPLOYER OR SPECIAL FUND DENIED OR IMPROPERLY PAID COMPENSATION.**
- 14     A CLAIM FOR PARTIAL DISABILITY BENEFITS SHALL NOT BE DEEMED TO HAVE ACCRUED ANY EARLIER THAN TWO YEARS BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO **THIS SUBSECTION."**
- 17     After line 28, insert:
  - 18        "**Sec. 2. Intent**
  - 19        It is the intent of the legislature that the amendments made to section 23-1061, subsection H, Arizona Revised Statutes, as amended by this act, are 20 to only directly overrule the court decision in Gerhardt v. Industrial

House Amendments to H.B. 2828

1       Commission of Arizona, 181 Ariz. 215, 889 P.2d 8 (1994) in which the court  
2       allowed an injured worker to file a petition to reopen a claim for workers'  
3       compensation benefits that had been previously denied by the workers'  
4       compensation carrier, but the amendments are not intended to overrule any  
5       other court decision."

6       Amend title to conform

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JOHN MCCOMISH

2828jm  
03/24/2008  
2:28 PM  
C: mwb